IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13642 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NIRAL N TRIVEDI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 13642 of 2003

MR PARESH UPADHYAY for Petitioner No. 1-3

Ms. Archana Raval, AGP for Respondent No. 1-4

MR MITUL K SHELAT for Respondent No. 5,7

RULE SERVED BY DS for Respondent No. 6,8

MRS VD NANAVATI for Respondent No. 9

MR AR THACKER for Respondent No. 10

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 29/09/2004

ORAL JUDGEMENT

1. Pursuant to the interim order passed by this Court dated 25th September 2003 the petitioners were

admitted in 3rd Semester in Information Technology Branch. The dispute was with regard to admission in Degree Course from Diploma Course. Today when the matter is called out the learned advocate appearing for the petitioners has submitted that apart from the fact that pursuant to the interim order passed by this Court dated 25th September 2003 the petitioners were admitted in 3rd Semester, in fact they were permitted to appear in 3rd Semester examination conducted by the University in the month of December 2003 and their results came to be declared. They were also permitted to study 4th Semester and their examinations in 4th Semester are also taken by the University which took place in the month of May/June 2004 and their results are also declared, and that all the petitioners are now prosecuting their studies in 5th Semester. When this Court passed an order on 25th September 2003 it was observed that the aforesaid admissions would be over and above subject to requirement and fulfillment of eligibility criteria. Now in view of the fact that the petitioners are in 5th Semester and their results of 3rd and 4th semesters are already declared and the interim order passed by this Court dated 25th September 2003 has become final, meaning thereby that is not challenged as such the present Special Civil Application has become academic.

1.1. At this stage, Shri Mitul Shelat, learned advocate appearing on behalf of some of the Universities, has submitted that in fact the petitioners could not have been granted admission in midterm and therefore if the present Special Civil Application is disposed of as it is, then it will be contrary to the rules and regulations having its own precedent and therefore requested to pass an appropriate order. In view of the fact that the petitioners came to be admitted pursuant to the interim order passed by this Court dated 25th September 2003 and which is not challenged, I am not expressing anything on merits of the said order. However, it is observed that the aforesaid order as well as the present order will not have a precedent and the same is passed in the peculiar facts and circumstances of the case.

2. With the aforesaid observation, the present Special Civil Application is disposed of in terms of the interim order dated 25th September 2003. Rule is made absolute to the aforesaid extent with no order as to costs.

[M.R. Shah, J.]

rmr.